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WITNESS _____
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
Condice Crane, REPORTER

3:22-cv-734
PTX-114

Exhibit
38
12/18/2023
Lennep

Judges, aware of looming elections, vow to address redistricting quickly

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Body

After a roughly six-hour hearing, the leader of a three-judge federal panel handling a dispute over redistricting promised to act quickly in determining which House and Senate maps will be used for the upcoming elections.

"We will begin to work on some resolution," Judge Grady Jolly of the 5th U.S. Circuit Court of Appeals said at the closing of the hearing. "It will be treated expeditiously because we're keenly aware" of the upcoming June 1 qualifying deadline for legislative candidates, he said.

It appears most likely the court will order elections under the current maps drawn in 2002 or legislative candidates will run under the House and Senate maps partially approved during the 2011 legislative session.

Timing is a key part of the discussion. Namely, can the circuit clerks pull off elections under new maps with the qualifying date three weeks away and primary elections less than three months out?

Madalan Lennep, an elections consultant with the secretary of state's office, said it could take counties that have to contend with split precincts three to four months to plug all the information into the election database used for determining which ballots go to which voters.

She warned it would be very difficult under the timeline. Primaries are scheduled for Aug. 2 and ballots for overseas, and military voters must be prepared 45 days in advance.

"It would not be impossible. I think it would be difficult and take a whole lot of time and effort to get it done," Lennep said, when pressed as to what would happen if the courts ordered elections under the new maps in short order.

Two other circuit clerks testified they could get it done in their counties. Attorney General Jim Hood told the court several circuit clerks he spoke to said they could do it.

Responding to a question from Hood, Lennep said she had not spoken directly with any circuit clerks. Rather, she said, she was relying on her years of experience.

The task of redrawing the 122 House districts and 52 Senate districts has been punted to the courts because legislators could not reach an agreement during the 2011 session. Largely, efforts to retain or gain control of the House tripped up a resolution.

Secretary of State Delbert Hosemann's attorney, Robert Gibbs, repeated his assertion the case is premature because the Mississippi Constitution calls for redistricting to take place the year after the Census data is released, which gives legislators until 2012.

Legislators could complete that task next year - there's a constitutional remedy if they cannot come to agreement - and would then run under the new maps in 2015, Gibbs said.

Others argued that would almost guarantee a special election because the districts' populations vary so greatly because of population shifts.

"The bottom line: Many Mississippians' votes are worth vastly less than many other Mississippians' votes," said Andy Taggart, attorney for Senate Elections Committee Chairman Terry Burton,

Hosemann's office employs Lennep for \$70 an hour. Both pointed out that all 82 counties have to be on board for the election system to work because many districts cross county boundaries.

"If you rush this you run the risk of having individuals elected by people voting in the wrong precinct," Hosemann said.

Lawyers Tuesday engaged in hours of weighty and complicated talk involving various court cases on redistricting, the Mississippi Constitution's directions for the task and the U.S. Constitution's one-man, one-vote principle. No one disputed the districts are malapportioned.

Cathy Genero
PTX-114-001

Page 2 of 2

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The legal and pragmatic questions are how and when to fix it.

To comment on this story, call Molly Parker at (601) 961-7075.

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